



Journal of the Senate

Number 1—Special Session H

Monday, June 21, 1982

At a Special Session of the Florida Legislature convened pursuant to Article III, Section 3(c)(1), of the Constitution of the State as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

BILL ACTION SUMMARY

Monday, June 21, 1982

H 1	Substituted for SCR 1-H Failed to pass
S 1	Iden./Sim. House Bill substituted Laid on table; refer to HCR 1-H
S 3	Passed
S 4	Passed
S 7	Passed
S 9	Adopted
S 10	Adopted
S 11	Adopted
S 12	Adopted
S 14	Passed
S 15	Passed as amended
S 16	Passed
S 17	Passed as amended
S 18	Passed
S 19	Passed as amended
S 21	Indefinitely postponed
S 22	Passed
S 23	Passed
S 24	Adopted
S 25	Passed
S 26	Passed
S 27	Adopted
S 28	Passed

PROCLAMATION

State of Florida

Executive Department

Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, the Legislature of the State of Florida adjourned its Regular Session for the year 1982 on March 25, 1982 and has been convened in and adjourned subsequent Special Sessions without enacting certain urgently needed legislation, and

WHEREAS, it is in the best interest of the citizens of Florida that the Legislature be called to consider these matters;

NOW, THEREFORE, I, BOB GRAHAM, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

Section 1.

That the Legislature of the State of Florida is convened in Special Session commencing at 11:00 a.m., Monday, June 21, 1982 and extending through noon, Wednesday, June 23, 1982.

Section 2.

That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following matters:

In pursuance of the Proclamation of Honorable Bob Graham, Governor of the State of Florida, the Senate met in Special Session at 11:00 a.m. and was called to order by Senator W. D. Childers, President. A quorum present—39:

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiassen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

Excused: Senator Kirkpatrick

Prayer by Joe Brown, Secretary of the Senate:

Bless, O Heavenly Father, this body, these Senators; the decisions they make and all the people affected by those decisions. Amen.

The Senate pledged allegiance to the flag of the United States of America.

The Senate stood for a moment of silence in memory of Senator Kirkpatrick's father, George Greer Kirkpatrick, Sr., who died June 20.

By direction of the President, the Proclamation of the Governor convening the Legislature in Special Session and the amended Proclamation were read:

1. Ratification of the Equal Rights Amendment.
2. Revision of Article I, Section 12 of the Florida Constitution relating to the exclusionary rule.
3. Amendments to Article I, Section 14, Florida Constitution and Chapter 903, Florida Statutes, relating to pretrial detention.
4. Amendment of Chapter 914 relating to immunity.
5. Legislation controlling armor piercing and exploding bullets.
6. Amendment of Chapter 112, Florida Statutes, relating to police records.
7. Legislation to ease prison overcrowding including:
 - a. Amendment of the Appropriations Bill.
 - b. Amendment of Chapter 947 relating to the number of authorized Parole and Probation Commissioners and the use of retired Commissioners.
 - c. Amendment of Chapter 253 to facilitate acquisition of Federal land for prisons.
8. Amendment of Chapter 337 regarding bidding procedures for Department of Transportation contracts.

9. Amendment of Chapter 401 regarding Emergency Medical Services.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this proclamation convening the Legislature in special session at the Capitol, this 16th day of June 1982.

BOB GRAHAM
Governor

ATTEST:
GEORGE FIRESTONE
Secretary of State

PROCLAMATION

State of Florida

Executive Department

Tallahassee

(Amendment to Proclamation dated June 16, 1982)

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, on the 16th day of June, 1982, a proclamation of the Governor was issued convening a Special Session of the Florida Legislature commencing at 11:00 a.m., Monday, June 21, 1982 and extending through noon, Wednesday, June 23, 1982.

WHEREAS, it is necessary and in the best interest of the citizens of the State of Florida to amend the Proclamation of June 16, 1982 in order to expand the call of the Special Session so that the Legislature may consider the additional legislative business set forth below:

NOW, THEREFORE, I, BOB GRAHAM, Governor of the State of Florida, by virtue of the power and authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

1. That Sections one (1) and two (2) of the Proclamation of the Governor dated June 16, 1982 are hereby amended to read:

Section 1.

That the Legislature of the State of Florida is convened in Special Session commencing at 11:00 a.m., Monday, June 21, 1982 and extending through noon, Wednesday, June 23, 1982.

Section 2.

That the Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following matters:

- (a) Ratification of the Equal Rights Amendment.
- (b) Revision of Article I, Section 12 of the Florida Constitution relating to the exclusionary rule.
- (c) Amendments to Article I, Section 14, Florida Constitution and Chapter 903, Florida Statutes, relating to pre-trial detention.
- (d) Amendment of Chapter 914 relating to immunity.
- (e) Legislation controlling armor piercing and exploding bullets.
- (f) Amendment of Chapter 112, Florida Statutes, relating to police records.
- (g) Legislation to ease prison overcrowding including:

1. Amendment of the Appropriations Bill.

2. Amendment of Chapter 947 relating to the number of authorized Parole and Probation Commissioners and the use of retired Commissioners.

3. Amendment of Chapter 253 to facilitate acquisition of Federal land for prisons.

4. Amendment of Chapter 944 to create community diversion programs.

5. Amendment of Chapter 944 to create a Prison Overcrowding Advisory Committee.

- (h) Amendment of Chapter 337 regarding bidding procedures for Department of Transportation contracts.

- (i) Amendment of Chapter 401 regarding Emergency Medical Services.

- (j) Amendment of Chapter 768 relating to medical malpractice.

- (k) Amendment of Section 212.057, Florida Statutes, relating to the optional local tax for sports, arts and recreation centers.

2. Except as amended by this Proclamation, the Proclamation of the Governor dated June 16, 1982, is ratified and confirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 21 day of June 1982.

BOB GRAHAM
Governor

ATTEST:
GEORGE FIRESTONE
Secretary of State

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

STATE OF FLORIDA

OFFICE OF GOVERNOR BOB GRAHAM

June 21, 1982

Honorable President and
Members of the Senate

Honorable Speaker and
Members of the House
of Representatives

The Capitol

Honored Members:

I have called a three-day special session beginning today, June 21, to ask your favorable consideration of a limited number of issues which are important to the people of Florida.

Attached to this letter are summaries of the various criminal justice bills which I have included in the call along with a summary of my recommendation for the allocation of additional funds to the State correctional system in order to house the large number of inmates which are entering our institutions.

During the 1982 Regular Session, the Florida Legislature dealt with a large number of complex and controversial issues, such as the sales tax, reapportionment, the insurance code, and the budget. You are to be commended for your successful efforts in each of those areas. But much remains to be done.

Now that many of those larger questions have been decided, I urge you to give your undivided attention to the agenda I have outlined in my call. I urge your favorable consideration of the Equal Rights Amendment. I also urge you to pass the crime legislation and prison funding outlined in these summaries. All of us are deeply concerned about crime in our society and are anxious to remove from our streets those who break our laws with impunity.

The people of Florida are looking to us for leadership on these critical issues. I look forward to working with you during the next three days, and my staff stands ready to assist you in your deliberations.

With kind regards,

Sincerely,
Bob Graham
Governor

CRIMINAL JUSTICE ISSUES

SPECIAL SESSION June, 1982

Governor Graham considers the following three substantive changes to the criminal law to be an integral part of our efforts to stem the tide of crime in Florida. These issues were discussed during the 1982 Regular Session and all were acted upon favorably in committee. All three were passed by sizable majorities of the House of Representatives. The Florida Senate considered only one of these issues on the floor, the exclusionary rule amendment, which was rejected by a narrow margin after spirited debate.

The following short summaries of these issues have been prepared for your reference during this special session. Governor Graham joins with the Attorney General, the Florida Sheriff's Association, the Prosecuting Attorneys' Association, the Police Chiefs Association, the Florida Chamber of Commerce, and others in urging your favorable consideration of the following legislation.

Use Immunity

An immunity statute enables the State to compel a witness to testify as to any matter, even though the testimony may be self-incriminating. Immunity is granted primarily in cases where the only witnesses available are involved in the crime. An immunity grant permits the State to obtain the testimony it needs without violating the constitutional safeguards provided to all Americans.

However, in providing for transactional immunity, the Florida State goes beyond the requirements of the U.S. Constitution and Supreme Court. The Fifth Amendment requires only that use immunity be provided to a witness. As the Court stated in *Kastigar v. United States*, "Transactional immunity . . . affords the witness considerably broader protection than does the Fifth Amendment privilege." *Id.*, at 453 (1972).

Under Section 914.04, Florida Statutes, a prosecutor may require a subpoenaed witness to testify, even though the witness objects on self-incrimination grounds. By so requiring, the statute provides the witness with transactional immunity and use immunity. Transactional immunity provides protection for prosecution for the witness' criminal conduct in the "transaction, matter or thing" about which he is called to testify. Use immunity provides only that the witnesses' criminal conduct may not be proven through the testimony of evidence the witness is compelled to produce. The incrimination protection requires only a grant of use immunity. *Kastigar v. United States*, 406 U.S. 411 (1972).

Danger to the Community - Bail Reform

Governor Graham is concerned that in some areas the criminal justice intake system has become little more than a revolving door, allowing those arrested to return immediately to the streets where further crimes can be committed. At the same time, some indigent defendants charged with minor crimes must stay in jail awaiting trial simply because they cannot make monetary bail. Both situations are made more serious by the lack of space in our local jail facilities. Clearly, we must do everything we can to insure that those who pose a danger to the community remain incarcerated awaiting trial, while those who are good candidates for release are released without delay.

The Governor's Task Force on Criminal Justice System Reform has studied these problems and recently recommended several solutions.

They have recommended establishing criteria for the detention of arrestees considered dangerous and placing the burden upon the State to show that a person should be detained awaiting trial. The recommendations also provide the defendant with the appropriate due process safeguards prior to such detention. At present, only those arrested for capital and life felonies are denied the right to bail and, in all other cases, the only legitimate consideration for establishing the amount of bail is to assure the defendant's appearance at trial. Under the proposed change, a defendant could also be detained if his or her release

would constitute a threat to the safety of the community or to the integrity of the judicial process. Governor Graham has long supported the adoption of danger to the community standards for release.

The Task Force also recommends that we establish a presumption in favor of the release of defendants, prior to trial, based upon the defendant's promise to appear. Defendants would be released on personal recognizance or, if that is inappropriate, on whatever conditions the court felt necessary to insure the safety of the community, the integrity of the judicial process, and the appearance of the defendant at trial. These recommendations are designed to emphasize non-monetary conditions of release or eliminate discrimination against those who are too poor to make bail, which would at the same time make available needed jail space for those who pose a danger to the community. If enacted, these recommendations would eliminate many of the inequities in the present system between rich and poor defendants.

Exclusionary Rule

Article I, Section 12 of the Florida Constitution of 1968 contains a right against unreasonable searches and seizures, and against the unreasonable interception of private communications. It also contains the following sentence: "Articles or information obtained in violation of this right shall not be admissible in evidence." Prior to 1968, this sentence did not appear in Florida's Constitution.

Until 1979, this entire section was interpreted by the Florida courts to be substantially a restatement of the Fourth Amendment to the U.S. Constitution, although it should be noted that the Fourth Amendment does not contain any reference to the exclusionary rule stated above.

The exclusionary rule in the Federal system is a judge-made rule designed to deter police misconduct by throwing out evidence obtained in violation of the Fourth Amendment. Since 1979, however, the Florida courts have begun to use the language of Article I, Section 12 to fashion a more liberal construction of the right against search and seizure than the U.S. Constitution requires.

In simple terms, the problem is this: a search or interception that would be admissible under decisions of the U.S. Supreme Court are held to be inadmissible in Florida courts because of Article I, Section 12 of the Florida Constitution.

Governor Graham believes that Florida should extend no more rights to those who would break our laws than the U.S. Constitution would require. The Governor, the Attorney General, and many interested parties in the House and Senate have agreed to alter their earlier proposal for changing this language. They have agreed that the language below is a reasonable modification of Article I, Section 12 to offer the people for ratification:

SECTION 12. Searches and Seizures.—The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, and against the unreasonable interception of private communications by any means, shall not be violated. No warrant shall be issued except upon probable cause, supported by affidavit, particularly describing the place or things to be seized, the communication to be intercepted, and the nature of evidence to be obtained. *This right shall be construed in conformity with the Fourth Amendment to the United States Constitution as interpreted by the United States Supreme Court.* Articles or information obtained in violation of this right shall not be admissible in evidence *if such articles or information would be inadmissible under decisions of the United States Supreme Court construing the Fourth Amendment to the United States Constitution.*

If this language is adopted by the Legislature and the people of the State of Florida, the following would be accomplished:

1. A provision for the exclusion of evidence will be retained in the Florida Constitution.
2. Florida courts will base interpretations of Article I, Section 12, on the decisions of the U.S. Supreme Court and, therefore, will no longer be able to impose more strict evidentiary standards than those of the U.S. Supreme Court.
3. Florida courts will be free to adopt a good-faith standard unless that doctrine is condemned by the U.S. Supreme

Court. The good-faith standard, however, would not automatically be adopted in Florida by the approval of the amendment.

Further explanation is contained in the Attorney General's memorandum of June 18, 1982, "Proposed Constitutional Amendment Regarding Searches and Seizures and the Exclusionary Rule."

Governor Graham urges your favorable consideration of the exclusionary rule amendment.

*Summary of Supplemental
Legislative Issues to Relieve Prison Overcrowding
Fiscal Year 1982-83*

Appropriations Issues Issue	1982-83	
	Positions	Amount \$
<i>Corrections, Department of</i>		
1) Construction, Staffing and Operation of 1,640 Crisis Prison Beds	75	9,078,976
2) Deficiency in Inmate Reception and Processing Function	30	508,177
3) Enhanced Probation and Parole Field Services Staffing	546	6,165,871
4) Acceleration of Long Term Prison Construction Program	—	9,978,700
Total, Department of Corrections	<u>651</u>	<u>25,731,724</u>
<i>Florida Parole and Probation Commission</i>		
5) Workload: Florida Parole and Probation Commission	7	214,278
TOTAL	<u>658</u>	<u>25,946,002</u>

Substantive Legislation

- 6) Increase in the Number of Parole and Probation Commissioners to Implement Appropriations Recommendation.
- 7) Authorization to Utilize Consenting Retired Commissioners for Temporary Duty on the Parole and Probation Commission.
- 8) Substitution of Federal Land Purchasing Procedures for the Acquisition of Federal Surplus Property.

Summary of Issues

Issue: Construction, Staffing and Operation of Crisis Beds

Adjusted inmate population forecasts indicate a deficiency of 1,640 male beds between now and June 30, 1983, and an additional unfunded inmate census of 1,576 during the next fiscal year. While the \$6 million (335 positions) already appropriated in 1982-83 will partially offset this deficiency, the Department of Corrections is faced with a \$9.1 million (75 positions) deficiency, which can not reasonably be met with currently appropriated funds.

These estimates incorporate a range of recent policy initiatives which have reduced the number of inmates initially predicted under the Simulated Losses and Admissions Model (SLAM). Included are transfer of Cuban/Haitian inmates to the Federal Bureau of Prisons, the phase-in of newly appropriated residential probation facilities, accelerated parole through the Mutual Participation Program, early parole consideration of low risk offenders in work release centers, and implementation of a revised gain time rule.

As a result of placing emergency beds where space is available, 19 of the Department's 26 major institutions are currently housing inmates in excess of their rated maximum capacity under the settlement agreement in the *Costello v. Wainwright* case.

Therefore, the Governor recommends 75 positions and \$9,078,976 to relieve the above deficiency. These funds would be placed in appropriation reserve to be released only upon submission of workload data supporting the release of funds for purposes appropriated. Additionally, the Governor recommends that the Department be authorized to contract with private non-profit

organizations to house inmates in the work release phase of incarceration. Further, the Governor recommends that up to \$1 million of the 1981 appropriation for advance site acquisition be authorized to acquire and convert existing facilities which will expand the capacity of the correctional system.

Issue: Deficiency in Inmate Reception Processing Function

The funding provided in Chapter 82-215, Laws of Florida, for inmate reception processing was based on a total of 9,960 prison intakes for Fiscal Year 1982-83. Based on updated projections, it is now anticipated that new prison admissions for the 1982-83 Fiscal Year will be 13,310. In order for the Department of Corrections to maintain the appropriated staffing to workload ratio funded by the 1982 Legislature for inmate reception, classification and orientation, an additional 24 positions are necessary. Relatedly, the staffing in the Bureau of Offender Records was based on an average daily inmate population for 1982-83 of 23,266. To maintain a comparable staffing level for the revised estimated average daily inmate population of 27,202 six additional positions are necessary.

Relative to new admissions to the corrections system, the Department must make individual needs evaluations and develop appropriate treatment plans as well as determine classification with respect to custody level and program assignment. In order to reduce the tremendous backlog being experienced at the Department's receiving facilities, it is important that the additional resources recommended are provided.

Additionally, the increased workload on the Bureau of Offender Records resulting from the larger inmate population, the implementation of the revised gain time rule, the increase in contracts negotiated under the Mutual Participation Program, and the accelerated review of a large number of inmates by the Florida Parole and Probation Commission to determine eligibility for early release has presented a burden which can not be reasonably met with the present number of staff.

To relieve the above deficiency the Governor recommends 30 positions and \$508,177.

Issue: Enhanced Probation and Parole Field Services Staffing

The funding included in Chapter 82-215, Laws of Florida, was based on providing an officer-to-client ratio of approximately 1:109 for all offenders. Due to an unanticipated increase in workload to a year end total of 63,194 (versus 54,300 previously estimated), however, it is now predicted that the resources presently appropriated will provide only for an officer-to-client ratio of 1:145 by June 30, 1983.

Clearly the results of the Workhour Pilot Project funded by the 1979 Legislature demonstrate that enhanced staffing ratios not only increased the use of assignment to probation supervision, but also increased officer contacts with the offender suggesting better protection to the community; higher rates in the collection of monthly cost of supervision fees paid by offenders; increased amounts of restitution payments to victims; and higher employment rates among probationers and parolees.

Therefore, the Governor recommends 546 positions and \$6,165,871 for full funding of the non-discretionary investigative workload and to reduce officer-to-client ratios to 1:56 for youthful offenders and 1:81 for all others. The enhancement is necessary to restore the confidence of the courts in the level and quality of supervision of offenders in the community. Without this confidence it is likely that courts will continue to incarcerate offenders who are otherwise eligible for probation. It is doubtful, however, that any appropriated enhancement will result in an immediate increase in assignment to community supervision versus prison. This is due to time required to employ and train new staff, and to then systematically orient the judiciary statewide to encourage utilization of the probation alternative based on additional resources provided.

Issue: Acceleration of Long Term Prison Construction Program

Based on recent revised population estimates the need for additional permanent male beds between now and June 30, 1985 is critical. Considering scheduled units to come on-line, adjustments to the calculation of maximum capacity (in accordance with the *Costello v. Wainwright* agreement), and the phase out of Butler Transient Unit at the Reception and Medical Center and the Main Housing Unit at Union Correctional Institution, the system will have a maximum capacity

for male inmates of 23,885 on June 30, 1985. The estimated male population of 29,742 at that time will leave a deficiency of 5,857 beds.

The June 30, 1985 estimate does not work through the impact of the transfer of Cuban/Haitian inmates, the policy assumptions of DOC Report #82-10, or the diversionary potential of enhanced probation services. Even if these policies reduced the deficiency by one-half the Department requires 2,928 beds a maximum capacity. And to move toward design capacity 5,752 beds are needed.

The amount of necessary lead-time to construct these beds makes it imperative that this issue be acted upon quickly. The immediate need is for the Legislature to appropriate \$9.98 million for the construction of 735 beds in Fiscal Year 1982-83. Funds for the remainder (5,122 beds) will necessarily have to be appropriated during the regular 1983 Legislative Session.

This need is in addition to the 950 new beds coming on-line in 1982-83, 390 beds being phased in the following year, plus 2,253 (1,572 - design capacity) fixed capital beds appropriated by the 1982 Legislature.

The Governor recommends \$9,978,700 for construction of 551 beds at design capacity (735 beds at maximum capacity) which includes two dorms at the Hendry Correctional Institution, three 24-bed expansions to Community Correctional Centers, and partial funding to convert the East Palatka Road Prison to the Putnam Correctional Institution.

Issue: Workload - Florida Parole and Probation Commission

Since Fiscal Year 1975-76 the number of cases heard by the Parole and Probation Commission has increased by approximately 222 percent. At the end of Fiscal Year 1978-79 (to cope with a one year increase of 48.6 percent in cases) the Commission changed from four-Commissioner panels to two-Commissioner panels to hear most cases. By Fiscal Year 1981-82, however, the gains from that management improvement had been almost completely wiped out by the rapid increase in the inmate population; individual Commissioner workload in Fiscal Year 1981-82 is over 100 percent greater than in Fiscal Year 1975-76.

By controlling for the change to the two-Commissioner panels we find that there is a correlation between the increase in inmate population in one year and the increase in Commissioner workload a year later. If this trend continues, it is conservatively estimated that approximately 40,000 cases would be heard by the Commission in Fiscal Year 1982-83 (a 16 percent increase over Fiscal Year 1981-82), with a similar increase in individual Commissioner workload.

During Fiscal Year 1981-82 the Commission implemented two new programs anticipated to increase Commissioner workload beyond that due to the increase in inmate population. These are: (1) Early Effective Parole Release, and (2) the Mutual Participation Program. The former program provides that inmates assigned to Work Release Centers may receive early releases of up to seven (7) months upon the recommendation of the Center Supervisor with each recommendation being heard by a two-Commissioner panel; the latter involves inmates in the negotiation of his/her parole contract with each contract being reviewed by a four-Commissioner panel.

The Early Effective Parole Release program is too new to adequately evaluate its impact on individual Commissioner workload; the Mutual Participation Program is conservatively estimated to increase individual Commissioner workload by over 10 percent (approximately 50 cases per week).

To handle current and future workload increases during Fiscal Year 1982-83 the Governor recommends that two (2) Commissioner Units (i.e., a Commissioner plus staff and associated expense and OCO) be added to the Commission at an annual cost of \$214,278. Relatedly, the Governor recommends amendment to Section 947.01, Florida Statutes, to increase the number of authorized Commissioners. Additionally, it is felt that retired commissioners could assist in deciding parole and revocation matters. A statutory change is recommended to authorize the Chairman to assign consenting retired commissioners to temporary duty where there is a workload need.

Issue: Acquisition of Federal Surplus Lands

One way to obtain land for prison sites is through the acquisition of Federal surplus lands, which are offered to the public on a competitive bid basis. Section 253.025, Florida Statutes,

however, requires two appraisals of the property (and a third one if the first two differ by more than 20%) even though there are existing appraisals done by or for the Federal Government. This means that we are potentially unable to meet bid deadlines, and, therefore, take advantage of this resource.

To accelerate this process and to take advantage of Federal sites currently available, or to be scheduled for sale in the near future, the Governor recommends a statutory change to authorize the Trustees of the Internal Improvement Trust Fund to substitute the more abbreviated federal land purchasing procedures (during Fiscal Year 1982-83 only) for purchase of federal surplus land for use as sites for adult correctional institutions.

PROPOSED CONTRACT CRIME (BID RIGGING) LEGISLATION

Need For Legislation

A federal government prosecution task force began presenting evidence before a Grand Jury in Tallahassee last fall as part of a nationwide investigation of bid rigging in the highway construction industry. In ten states before entering Florida, this investigation resulted in the filing of more than 250 felony antitrust cases against firms and individuals. Some of the convicted persons and firms are doing business with the State of Florida and others are seeking to do so. As a result of Grand Jury proceedings in Florida, two firms have already entered guilty pleas for contract crime in Florida. It is reasonable to expect that additional Florida based construction firms now doing business with the State may be indicted by this Grand Jury.

Under current law, the Department of Transportation may suspend or revoke a contractor's certificate of qualification "for good cause" pursuant to the provisions of Section 337.16(2), F.S. Because of the ambiguous nature of this language substantial uncertainty exists as to the authority of the Department to effectively address contract crime. More specifically, current law provides no authority or guidance for the following important matters: payment of restitution to the State; how to treat "affiliates" of convicted firms; whether indictment should carry as severe consequences as conviction; provisions for reinstatement as an incentive to pay restitution and cooperate in prosecutions and investigations; how DOT can obtain information from firms suspected of convictions in other states; whether disqualified firms can get court-ordered stays of contracts while they pursue lengthy appeals of their disqualification. In addition, key documents known to have facilitated bid rigging activities in other states are presently available in Florida pursuant to the Public Records Law.

Summary of Proposed Legislation

The proposed legislation provides the necessary statutory authority for the Department to effectively deal with contractors who have or are engaged in bid rigging or related illegal activities. It is geared toward assuring efficiency in government, penalties for criminal activity and savings to Florida's taxpayers through reduced project costs. Highlights of the bill are outlined below:

(1) A contractor or affiliate who has been convicted of contract crime shall be debarred for up to 36 months during which period such contractor may not bid, contract with or supply goods or services to the DOT. A contractor or affiliate who has been charged within the State of Florida shall be suspended pending resolution of the charges.

(2) A debarred contractor may be reinstated upon a finding by the Secretary, with the advice of the Attorney General, that it is in the public interest to do so. Reinstatement in the public interest is based on such circumstances as: the contractor's culpability, restitution to the Department, cooperation with investigative/prosecutorial authorities, and the needs of the Department in completing its construction programs in a timely, cost effective manner. A contractor who has been suspended may be automatically reinstated upon filing an affidavit denying culpability in the alleged acts; however, certain penalties apply if such reinstated contractor is subsequently convicted of charges.

(3) A debarred or suspended contractor may seek injunctive relief from the courts; however, the legislation provides the judicial standard that injunctive relief may be granted only upon a showing and finding of the: a) contractor's likelihood of success on the merits, b) that the harm to the contractor

outweighs the harm to the State, and c) that it is in the public interest to grant such relief. A contractor who is debarred or suspended is not entitled to an administrative stay of such action and it is recognized that the ability to bid on DOT contracts or to supply goods or services to the Department is a privilege and not a right.

(4) The bill provides limited exceptions to the Public Records Law including: (a) the Department's official cost estimate shall remain confidential until a contract for a project has been executed, (b) any documents revealing the identity of potential bidders on a project shall remain confidential until the deadline for receipt of bids has passed, and (c) the Department's Bid Analysis and Monitoring System is exempt. Contract crime prosecutions in other states have confirmed that these types of documents are utilized by conspirators in contract crime.

Attached are some commonly asked questions regarding the contract crime legislation and our responses to each. If additional information is desired, please contact any of the following individuals:

Marcia K. Elder, Department of Transportation	488-5712
Bill L. Bryant, Jr., Department of Legal Affairs	488-9105
Ash Williams, Office of the Governor	488-5152

QUESTIONS AND ANSWERS RE: CONTRACT CRIME LEGISLATION

Q. Doesn't the bill violate due process of law by punishing contractors who have been indicted before they have been found guilty?

A. No, it is not a violation of due process to suspend bidding privileges while a contractor is under indictment. Contractors have no legally vested "right" to do business with the State of Florida or anyone else. They are not in the same protected class as, for example, welfare recipients. However, even members of a protected class may have government benefits suspended, after a hearing, while under criminal indictment. Under the proposed legislation contractors are being afforded the same due process rights. Moreover, suspending bidding privileges is not "punishment." The State, like any private consumer of goods and services, should be free to take its business elsewhere if it is dissatisfied with the performance or the integrity of the businessman with whom it has dealt in the past. Additionally, proposed legislation provides an innocent contractor the opportunity to avoid any suspension upon the filing of an affidavit stating he is innocent.

Q. Does the legislation violate equal protection of the laws by treating road contractors differently from other state contractors?

A. No, the bill puts road contractors more in the same position as other state contractors by overruling the *Capeletti* decision [cite: *Capeletti Bros., Inc. v. State of Florida, D.O.T.*, 362 So.2d 346 (1st D. C. A., 1978)], which held that qualification to bid on D. O. T. contract was in the nature of a "license". This decision granted an elevated status to road contractors, a status not enjoyed by other state contractors.

In addition, the problem with road contractors should receive special legislative attention for at least two reasons: (1) the problem is clear and present, in Florida and elsewhere; and (2) the highway contractors are a relatively small group of recipients of State funds who account for more than \$500 million tax dollars paid out in an average year. This is 3 or 4 times as much as the State spends annually on all categories of materials and supplies combined, and 2 or 3 times as much as the State spends on all other categories of capital improvements in a year. (Reference: Annual Reports of the Comptroller of the State of Florida: Table "Object Classification of Expenditures.")

Obviously, there is a rational basis for the Legislature to handle the problem of highway contractors in this Special Session, when time is limited, and postpone any action on other types of contractors until such time as it appears warranted. Equal protection is not violated when the Legislature has a rational basis for making classifications among different groups.

Q. Doesn't the broad definition of "affiliate" mean that innocent companies will be penalized for the conduct of others over which they have no control?

A. No, the definition of "affiliate" is dependent upon the existence of "control" or the "power to control." The antitrust laws impose vicarious civil liability on the parent of a corporate "family", where the parent controls the offspring.

It would be incongruous, to say the least, to allow parent companies who are liable to the State for antitrust damages to continue to receive State contracts through affiliates. Why should the State subsidize litigation against itself by awarding contracts to affiliates of the wrongdoer from whom restitution is being sought?

The definition of affiliate must be broad enough to encompass all the "offspring" of a corporate parent, including those "brothers and sisters" who claim to be innocent of the sins of their siblings; otherwise the parent can too easily postpone accountability for the damages caused by the culpable subsidiary.

Finally, it should be noted that corporate structures are largely matters of form rather than substance, and are often dictated by such considerations as state and federal income tax laws, labor laws, or concern for compartmentalized limitations of liability for negligent conduct (as opposed to intentional torts such as bid rigging). The substantial reality and totality of a corporate organization should be taken into account when the State is confronted with recovering possibly tens of millions of dollars in overcharges for bid rigging. It is not a situation where the State can afford to close its eyes to the fact that what appear to be separate corporate entities may indeed be so closely related financially as to be considered a single firm for some purposes.

Q. I understand that the American Bar Association has recently issued a Proposed Debarment and Suspension Reform Act. Shouldn't the State of Florida adopt this set of proposed policies?

A. The ABA Proposed Debarment and Suspension Reform Act was developed in response to the widely diverse standards and procedures for suspension and debarment that have developed among numerous federal agencies subsequent to the 1937 Federal Fraud Act. It was in response to the uncertainties, ineffectiveness and substantial lack of uniformity that currently exists among approximately 40 federal agencies. The federal agencies also have a broad range of potential grounds of misconduct or noncompliance which range from technical, unintentional or other more innocuous instances of misconduct or non-compliance, to those constituting intentional, flagrant, or criminal instance of misconduct or non-compliance with contractual obligations on federal contracts.

That is not the situation as it exists in Florida, nor has the Florida proposed contract crime legislation been developed to address a wide array of agencies and a broad spectrum of misconduct or contractual noncompliance. In Florida we are dealing with a single state agency and very narrowly defined grounds for suspension or debarment. The broad discretion that exists at the federal level that requires, in the opinion of the ABA, a quasi-judicial proceeding to insure uniformity does not apply to Florida where discretion is severely limited. The grounds for suspension or debarment as proposed in Florida are indictment or conviction or the failure to report same. These are readily determinable facts; whether or not a contractor has either been indicted or convicted being clearly objective.

To apply a solution that was developed to address a significantly different problem, is very costly, and likely to be ineffective in protecting the public interest in securing competition on highway construction projects, will likely be no solution at all.

The following Executive Order was filed with the Secretary:

EXECUTIVE ORDER NUMBER 82-35

(Amended Executive Order of Suspension)

WHEREAS, DAVID L. REID has been previously suspended from the public office which he then held, to-wit: Property Appraiser of Palm Beach County, Florida by Executive Order 81-65, effective at 9:00 a.m., Tuesday, June 16, 1981, and

WHEREAS, on August 26, 1981, Executive Order 81-100 was issued amending Executive Order 81-65, and

WHEREAS, on November 4, 1981 further indictments were returned by the Palm Beach County Grand Jury charging the said DAVID L. REID with violations of Sections 812.014(1)(b), 812.014(2)(b), 812.012, 839.25(1)(b), 839.25(2) and 839.25(3), Florida Statutes, and

WHEREAS, on January 18, 1982, a circuit court jury in Palm Beach County, Florida, returned a verdict finding DAVID L. REID guilty of two counts of bribery, two counts of unlawful compensation and one count of attempted unlawful compensation.

NOW, THEREFORE, I, BOB GRAHAM, as Governor of Florida, do hereby find, determine, and for the purposes of Section 112.41, Florida Statutes, allege as follows:

A. On November 4, 1981 the Palm Beach County Grand Jury returned an indictment which is filed in that court, a copy of which is attached hereto as Exhibit "A" and specifically incorporated by reference herein, charging DAVID L. REID with violations of the criminal laws of the State of Florida as previously enumerated.

B. On January 18, 1982 a circuit court jury in Palm Beach County, Florida, returned a verdict, a copy of which is attached hereto as Exhibit "B" and specifically incorporated by reference herein, finding DAVID L. REID guilty of violations of the criminal laws of Florida as previously enumerated.

C. DAVID L. REID is, and at all times material hereto was, the duly elected Property Appraiser of Palm Beach County, Florida.

D. The Office of the Property Appraiser of Palm Beach County is within the purview of the suspension powers of the Governor pursuant to Article IV, Section 7, Florida Constitution.

E. DAVID L. REID's acts and actions, as set forth herein, contravene his oath of office as set forth in Article II, Section 5, Florida Constitution (1968), to "... well and faithfully perform the duties of Property Appraiser of Palm Beach County ..."

F. The acts alleged in the indictment made a part hereof, and the violations of the criminal laws of Florida of which DAVID L. REID was convicted, constitute the offenses of malfeasance, misfeasance and/or commission of a felony as such offenses are used in Article IV, Section 7, Florida Constitution.

G. The interests of the citizens of the State of Florida and the ends of justice can best be served by the continued suspension of DAVID L. REID from the public office of Property Appraiser of Palm Beach County, Florida.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and Laws of the State of Florida, this Executive Order is hereby promulgated effective immediately.

Section 1.

The suspension of DAVID L. REID, from public office, to-wit: Property Appraiser of Palm Beach County, Florida, is continued in full force and effect without interruption.

Section 2.

The grounds for suspension from office recited in Executive Orders 81-65 and 81-100 are amended by substituting paragraphs "A" through "F" of this Order.

Section 3.

DAVID L. REID is hereby continually prohibited from performing any official act, duty or function of any public office, from receiving any pay or allowances, and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which shall remain in effect from the effective date of Executive Order 81-65, until further Executive Order, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol this 6 day of April, 1982.

Bob Graham
GOVERNOR

ATTEST:
George Firestone
SECRETARY OF STATE

(Copy of Indictment was filed in the office of the Secretary of the Senate.)

—which was referred to the Committee on Executive Business.

INTRODUCTION AND REFERENCE OF BILLS

By Senators Gordon, Margolis and Dunn—

SCR 1-H—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Jenne, Neal, Stuart, McKnight and Gersten—

SB 2-H—A bill to be entitled An act relating to Department of Transportation contracts; creating s. 337.165, Florida Statutes; providing definitions; providing for denial, revocation, or suspension of a contractor's certificate of qualification for specified reasons; providing for a period of disqualification; providing for reinstatement of a certificate; providing for a continuation of obligations under preexisting contracts; providing penalties; providing notification requirements; providing investigative authority; creating s. 337.166, Florida Statutes; requiring the Department of Legal Affairs to obtain restitution for the Department of Transportation in certain actions; creating s. 337.167, Florida Statutes; providing that qualification to bid on state contracts is not a license; prohibiting administrative stays of denial, revocation, or suspension; providing criteria for injunctive relief; providing a finding of an immediate danger to public safety, health and welfare; creating s. 337.168, Florida Statutes; providing a definite period of time during which the Department of Transportation's official project cost estimates and potential bidders' identities are exempt from the provisions of s. 119.07(1), Florida Statutes; providing that the department of transportation's bid analysis and monitoring system is exempt from the provisions of s. 119.07(1), Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senators Tobiassen and Carlucci—

SB 3-H—A bill to be entitled An act relating to ammunition; creating s. 775.0875, Florida Statutes; defining "armor-piercing bullet"; providing penalties for use or possession of armor-piercing bullets during the commission of specified offenses; requiring that sentences run consecutively; preempting local regulation of possession or use of ammunition; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

By Senators Tobiassen, Carlucci, Dunn and Steinberg—

SB 4-H—A bill to be entitled An act relating to receipt and processing of complaints filed against law enforcement or correctional officers; amending s. 112.533, Florida Statutes, as amended; providing that certain complaints against law enforcement and correctional officers and information relating to such complaints shall be exempt from s. 119.07, Florida Statutes; providing that this section shall not apply to public records exempt from public disclosure; defining active investigation; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Senator Carlucci—

SB 5-H—A bill to be entitled An act relating to parole; amending s. 947.01, Florida Statutes; increasing the number of members on the Parole and Probation Commission; amending s. 947.02, Florida Statutes; providing for a Parole and Probation Qualifications Committee; providing procedures for appointment of commissioners; providing for appointments based upon recommendations; providing for the application of public records and public meeting laws to the committee; amending s. 947.04



(1), Florida Statutes; providing for the appointment of consenting retired commissioners to the Parole and Probation Commission when the chairman certifies a workload need; repealing s. 20.32, Florida Statutes, relating to the establishment of the Parole and Probation Commission; repealing chapter 947, Florida Statutes, as amended, relating to the duties, responsibilities, and operation of the Parole and Probation Commission; providing for legislative review of the Parole and Probation Commission; providing an effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Carlucci—

SB 6-H—A bill to be entitled An act relating to parole and probation; amending s. 947.16(1)(e), Florida Statutes, as amended; requiring parole examiners to interview youthful offenders; amending s. 19, ch. 82-171, Laws of Florida; providing for application of s. 947.16, Florida Statutes, relating to parole interviews; providing a retroactive effective date.

—was read the first time by title and referred to the Committee on Corrections, Probation and Parole.

By Senator Carlucci—

SB 7-H—A bill to be entitled An act relating to the acquisition of federal lands for adult correctional institutions; providing for use of federal land purchasing procedures; providing for audit of purchases by the Auditor General; providing an effective date.

—was read the first time by title and referred to the Committee on Natural Resources and Conservation.

By Senators Poole, Jenne and Dunn—

SB 8-H—A bill to be entitled An act relating to witnesses; amending s. 914.04, Florida Statutes; eliminating provision for transactional immunity; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

On motion by Senator Tobiasen, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

By Senator Tobiasen—

SR 9-H—A resolution honoring Colonel Charles Scott, U.S. Army Retired.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Tobiasen, by two-thirds vote SR 9-H was withdrawn from the Committee on Rules and Calendar and taken up instanter.

On motion by Senator Tobiasen, SR 9-H was read the second time in full and adopted. The vote on adoption was:

Yeas—38

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

On motion by Senator Tobiasen, by the required constitutional two-thirds vote of the Senate the following resolution was admitted for introduction:

By Senators Tobiasen, Skinner and W. D. Childers—

SR 10-H—A resolution urging reduction of the Alabama out-of-state hunting license fee.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Tobiasen, by two-thirds vote SR 10-H was withdrawn from the Committee on Rules and Calendar and taken up instanter.

On motion by Senator Tobiasen, SR 10-H was read the second time in full and adopted. The vote on adoption was:

Yeas—39

Mr. President	Grizzle	Margolis	Skinner
Anderson	Hair	Maxwell	Steinberg
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	

Nays—None

On motion by Senator McKnight, the rules were waived and Appropriations Subcommittee C was permitted to meet this day immediately upon recess.

On motion by Senator Vogt, by the required constitutional two-thirds vote of the Senate the following concurrent resolution was admitted for introduction:

By Senator Vogt—

SCR 11-H—A resolution supporting the designation of July 9, 1982, by the United States Congress, as "National POW-MIA Recognition Day".

—which was read the first time in full and referred to the Committee on Rules and Calendar.

On motions by Senator Vogt, by two-thirds vote SCR 11-H was withdrawn from the Committee on Rules and Calendar and taken up instanter.

On motion by Senator Vogt, by two-thirds vote SCR 11-H was read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—36

Mr. President	Gordon	Margolis	Scott
Anderson	Grizzle	Maxwell	Skinner
Barron	Hair	McClain	Steinberg
Beard	Henderson	McKnight	Stevens
Carlucci	Hill	Neal	Stuart
Childers, D.	Jennings	Peterson	Thomas
Dunn	Johnston	Poole	Trask
Frank	Langley	Rehm	Vogt
Gersten	Lewis	Renick	Ware

Nays—None

On motion by Senator Gordon, by the required constitutional two-thirds vote of the Senate the following concurrent resolution was admitted for introduction:

By Senators Gordon and Dunn—

SCR 12-H—A concurrent resolution authorizing the expenditure of funds by the Department of Health and Rehabilitative Services to assist in the operation of the 1982 session of the Silver-Haired Legislature.

—which was read the first time in full and referred to the Committee on Rules and Calendar.

On motions by Senator Gordon, by two-thirds vote SCR 12-H was withdrawn from the Committee on Rules and Calendar and taken up instantner.

On motion by Senator Gordon, by two-thirds vote SCR 12-H was read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—29

Mr. President	Grizzle	McClain	Stevens
Anderson	Hair	McKnight	Stuart
Beard	Hill	Neal	Tobiasen
Carlucci	Jennings	Poole	Trask
Dunn	Langley	Renick	Ware
Frank	Lewis	Scott	
Gersten	Margolis	Skinner	
Gordon	Maxwell	Steinberg	

Nays—1

Johnston

Vote after roll call:

Yea—Peterson, Rehm, Thomas

By Senators McClain, W. D. Childers, Skinner, Beard, Steinberg, Scott, Peterson, Gordon, Lewis, Margolis, Stevens, Hill, Anderson, Langley, Tobiasen, D. Childers, Renick, Henderson, Vogt and Ware—

SB 13-H—A bill to be entitled An act relating to state agency contracts; creating s. 287.132, Florida Statutes; providing definitions; creating a debarment and suspension procedure; providing for judges, compensation and duties; providing for notice and hearing; providing for revocation or suspension of a contractor's privilege to provide services or commodities for specified grounds for limited periods of time; providing for a continuation of obligations under preexisting contracts; providing notification requirements; creating s. 287.133, Florida Statutes; requiring the Department of Legal Affairs to obtain restitution for agencies in certain actions; amending s. 120.50, Florida Statutes; exempting debarment proceedings from the provisions of the Administrative Procedure Act; providing an appropriation; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

On motion by Senator Dunn, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Anderson and Renick—

SB 14-H—A bill to be entitled An act relating to Monroe County; amending section 9 of chapter 67-1724, Laws of Florida, as amended by section 3 of chapter 69-1322, and section 2 of chapter 72-617, Laws of Florida, and section 31 of chapter 67-1724, Laws of Florida, as amended by section 1 of chapter 77-602, Laws of Florida; authorizing the governing board of the Lower Florida Keys Hospital District to issue notes with an interest rate of no more than the current prime rate, rather than 8 percent; authorizing a cap of \$3 million, rather than \$1 million, on the total principal of moneys borrowed by the district; providing that the board may lease land for any length of time for certain authorized purposes; providing an effective date.

Proof of publication of the required notice was attached.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Anderson, by two-thirds vote SB 14-H was withdrawn from the Committee on Rules and Calendar and taken up instantner.

On motions by Senator Anderson, by two-thirds vote SB 14-H was read the second time by title, and by two-thirds vote was

read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Hair	Maxwell	Stevens
Anderson	Henderson	McClain	Stuart
Barron	Hill	McKnight	Thomas
Beard	Jenne	Neal	Tobiasen
Carlucci	Jennings	Peterson	Trask
Childers, D.	Johnston	Renick	Vogt
Dunn	Langley	Scott	Ware
Frank	Lewis	Skinner	
Grizzle	Margolis	Steinberg	

Nays—None

On motion by Senator Dunn, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Anderson, McKnight and Renick—

SB 15-H—A bill to be entitled An act for the relief of Monroe County; providing an appropriation to said county to allow repayment of debt incurred as the result of an increase in the sheriff's budget directed by the Administration Commission; providing an effective date.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Anderson, by two-thirds vote SB 15-H was withdrawn from the Committee on Rules and Calendar and taken up instantner.

On motion by Senator Anderson, by two-thirds vote SB 15-H was read the second time by title.

On motion by Senator Dunn, further consideration of SB 15-H was deferred.

On motion by Senator Dunn, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Jennings and Stuart—

SB 16-H—A bill to be entitled An act relating to the Orlando Utilities Commission, Orange County; amending ss. 10 and 7, chapter 9861, Laws of Florida, 1923, as amended; providing for the power to borrow money, incur indebtedness and issue notes; providing an effective date.

Proof of publication of the required notice was attached.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Jennings, by two-thirds vote SB 16-H was withdrawn from the Committee on Rules and Calendar and taken up instantner.

On motions by Senator Jennings, by two-thirds vote SB 16-H was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	Margolis	Stevens
Anderson	Hair	Maxwell	Stuart
Barron	Henderson	McClain	Thomas
Beard	Hill	McKnight	Tobiasen
Carlucci	Jenkins	Neal	Trask
Childers, D.	Jenne	Peterson	Vogt
Dunn	Jennings	Poole	Ware
Frank	Johnston	Renick	
Gersten	Langley	Scott	
Gordon	Lewis	Skinner	

Nays—None

On motion by Senator Dunn, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Scott, Jenne and Dunn—

SB 17-H—A bill to be entitled An act relating to the judiciary; providing for the election of the two new circuit judges for the Seventeenth Judicial Circuit and for the two new county court judges for Broward County; providing an effective date.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Scott, by two-thirds vote SB 17-H was withdrawn from the Committee on Rules and Calendar and taken up *instanter*.

On motion by Senator Scott, by two-thirds vote SB 17-H was read the second time by title.

Senator Dunn offered the following amendments which were moved by Senator Scott and adopted:

Amendment 1—On page 1, line 13, after the word "County" insert: and the county judge for Volusia County.

Amendment 2—In title on page 1, line 5, before the semi-colon insert: and the county judge for Volusia County.

On motion by Senator Scott, by two-thirds vote SB 17-H as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Henderson	McClain	Stevens
Anderson	Hill	McKnight	Stuart
Barron	Jenkins	Neal	Thomas
Beard	Jenne	Peterson	Tobiasen
Childers, D.	Jennings	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Carlucci, Hair

On motion by Senator Dunn, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Ware, Grizzle and Rehm—

SB 18-H—A bill to be entitled An act relating to Pinellas County; amending section 8 of chapter 70-907, Laws of Florida, as amended by chapter 82-368, Laws of Florida; providing that the ad valorem tax levied by the Pinellas Suncoast Transit Authority shall be levied on the taxable real property in the transit area; providing for a referendum.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Grizzle, by two-thirds vote SB 18-H was withdrawn from the Committee on Rules and Calendar and taken up *instanter*.

On motions by Senator Grizzle, by two-thirds vote SB 18-H was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Hair	Maxwell	Steinberg
Anderson	Henderson	McClain	Stevens
Beard	Hill	McKnight	Stuart
Carlucci	Jenkins	Neal	Thomas
Childers, D.	Jenne	Peterson	Tobiasen
Dunn	Jennings	Poole	Trask
Frank	Johnston	Rehm	Vogt
Gersten	Langley	Renick	Ware
Gordon	Lewis	Scott	
Grizzle	Margolis	Skinner	

Nays—None

By Senator McKnight—

SB 19-H—A bill to be entitled An act relating to health care; reviving and readopting, notwithstanding the Regulatory Sunset Act, the Florida Emergency and Nonemergency Medical Services Act; amending s. 401.21, Florida Statutes; providing a short title; creating s. 401.211, Florida Statutes; providing legislative intent; amending s. 401.23, Florida Statutes; providing definitions; creating s. 401.235, Florida Statutes; authorizing the appointment of an advisory council; providing for membership, expenses, and terms; amending s. 401.24, Florida Statutes; providing for a comprehensive state plan; amending s. 401.25, Florida Statutes; providing for basic and advanced life support service licenses; authorizing self-insurance; deleting provisions relating to temporary licenses; requiring a medical director; creating s. 401.252, Florida Statutes; providing for inter-hospital transfer; creating s. 401.255, Florida Statutes; providing for nonemergency medical transportation services; amending s. 401.26, Florida Statutes; providing for vehicle permits; deleting provisions relating to temporary permits; amending s. 401.27, Florida Statutes; providing for certification of emergency medical technicians and paramedics; prohibiting an uncertified person from holding himself out as an emergency medical technician or paramedic; providing penalties; creating s. 401.281, Florida Statutes; providing standards for ambulance drivers; amending s. 401.30, Florida Statutes; providing for maintenance of records; amending s. 401.31, Florida Statutes; providing for inspections; amending s. 401.33, Florida Statutes; providing exemptions; amending s. 401.34, Florida Statutes; providing for establishment, collection, and disposition of fees; providing exemptions; amending s. 401.35, Florida Statutes; providing for adoption of rules; amending s. 401.38, Florida Statutes; providing for participation in federal programs; amending s. 401.41, Florida Statutes; specifying offenses and penalties; providing enhanced penalties for assault or battery on an ambulance driver, emergency medical technician, or paramedic; creating s. 401.411, Florida Statutes; providing for disciplinary actions; creating s. 401.413, Florida Statutes; providing for administrative fines; amending s. 401.43, Florida Statutes; providing penalties for fraudulently obtaining service; amending s. 401.44, Florida Statutes; providing penalties for turning in a false alarm; amending s. 401.45, Florida Statutes; prohibiting denial of emergency services in specified situations; allowing to stand repealed under the Regulatory Sunset Act ss. 401.46, 401.47, Florida Statutes, relating to advanced life support services and paramedics; requiring a report to the Governor and Legislature; providing for legislative review; amending section 39 of chapter 82-225, Laws of Florida; providing for legislative review of ss. 500.417, 500.419, 500.431 and 500.432, Florida Statutes; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

On motions by Senator McKnight, by two-thirds vote SB 19-H was withdrawn from the Committee on Health and Rehabilitative Services and taken up *instanter*.

On motion by Senator McKnight, by two-thirds vote SB 19-H was read the second time by title.

Further consideration of SB 19-H was deferred.

By Senators Jenne, Barron and Poole—

SJR 20-H—A joint resolution proposing an amendment to Section 12, Article I of the State Constitution, relating to searches and seizures, to provide a rule of construction and to limit the exclusion of evidence.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senator Steinberg—

SB 21-H—A bill to be entitled An act relating to Shands Teaching Hospital and Clinics; adding s. 240.513(3)(g), Florida Statutes; authorizing the hospital and related health care facilities operated by the nonprofit corporation to participate in the state communications system; providing an effective date.

—was read the first time by title and referred to the Committee on Health and Rehabilitative Services.

On motion by Senator Barron, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Barron—

SB 22-H—A bill to be entitled An act relating to shrimping; prohibiting the catching of shrimp below a minimum size in waters south of or between the Apalachicola River and the Choctawhatchee River; providing a penalty; providing an effective date.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Barron, by two-thirds vote SB 22-H was withdrawn from the Committee on Rules and Calendar and taken up instant.

On motions by Senator Barron, by two-thirds vote SB 22-H was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Grizzle	Margolis	Scott
Anderson	Hair	Maxwell	Skinner
Barron	Henderson	McClain	Stevens
Beard	Hill	McKnight	Thomas
Carlucci	Jenne	Neal	Tobiasen
Childers, D.	Jennings	Peterson	Trask
Dunn	Johnston	Poole	Vogt
Frank	Langley	Rehm	Ware
Gersten	Lewis	Renick	

Nays—None

On motion by Senator Barron, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Barron—

SB 23-H—A bill to be entitled an Act relating to saltwater fisheries; amending s. 370.16(14), (16)(e), Florida Statutes; extending the summer oyster harvesting season in Franklin County; providing an effective date.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Barron, by two-thirds vote SB 23-H was withdrawn from the Committee on Rules and Calendar and taken up instant.

On motions by Senator Barron, by two-thirds vote SB 23-H was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Dunn	Henderson	Langley
Anderson	Frank	Hill	Lewis
Barron	Gersten	Jenkins	Margolis
Beard	Gordon	Jenne	Maxwell
Carlucci	Grizzle	Jennings	McClain
Childers, D.	Hair	Johnston	McKnight

Neal
Peterson
Poole
Renick

Scott
Skinner
Steinberg
Stevens

Thomas
Tobiasen
Trask
Vogt

Ware

Nays—None

On motion by Senator Tobiasen, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Tobiasen, Skinner, W. D. Childers and Thomas—

SCR 24-H—A resolution urging reduction of the Alabama out-of-state hunting license fee.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Tobiasen, by two-thirds vote SCR 24-H was withdrawn from the Committee on Rules and Calendar and taken up instant.

On motion by Senator Tobiasen, by two-thirds vote SCR 24-H was read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—35

Mr. President	Gordon	Langley	Steinberg
Anderson	Grizzle	Lewis	Stevens
Barron	Hair	Margolis	Stuart
Beard	Henderson	Maxwell	Thomas
Carlucci	Hill	McClain	Tobiasen
Childers, D.	Jenkins	McKnight	Trask
Dunn	Jenne	Neal	Vogt
Frank	Jennings	Renick	Ware
Gersten	Johnston	Skinner	

Nays—None

Vote after roll call:

Yea—Rehm

On motion by Senator Peterson, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Peterson—

SB 25-H—A bill to be entitled An act relating to Polk County; providing for enforcement of the Polk County Animal Control Ordinance; providing for the issuance of citations requiring compliance with the Animal Control Ordinance; providing penalties; providing an effective date.

Proof of publication of the required notice was attached.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Peterson, by two-thirds vote SB 25-H was withdrawn from the Committee on Rules and Calendar and taken up instant.

On motions by Senator Peterson, by two-thirds vote SB 25-H was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—30

Mr. President	Gordon	Maxwell	Stuart
Anderson	Grizzle	McKnight	Thomas
Barron	Jenkins	Neal	Tobiasen
Beard	Jenne	Peterson	Trask
Carlucci	Jennings	Renick	Vogt
Childers, D.	Johnston	Skinner	Ware
Dunn	Langley	Steinberg	
Gersten	Margolis	Stevens	

Nays—None

Vote after roll call:

Yea—Hair, Lewis, Rehm

On motion by Senator Jenne, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Jenne and Steinberg—

SB 26-H—A bill to be entitled An act relating to driving under the influence of alcohol or controlled substances; amending ss. 316.193, 316.1931, 316.1932(1)(c), (e), 322.28(2)(f), Florida Statutes, as amended by chapter 82-155, Laws of Florida; increasing the maximum penalties for driving under the influence, driving with an unlawful blood alcohol level, and driving while intoxicated; including controlled substances and model glue as intoxicants for purposes of the driving while intoxicated law; removing the right to withdraw consent to a blood test in specified circumstances; specifying applicability of restrictions on issuance of driver's license or privilege; providing legislative intent; providing an effective date.

—which was read the first time by title and referred to the Committee on Judiciary-Criminal.

On motions by Senator Jenne, by two-thirds vote SB 26-H was withdrawn from the Committee on Judiciary-Criminal and taken up instantner.

On motions by Senator Jenne, by two-thirds vote SB 26-H was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Grizzle	Maxwell	Stevens
Anderson	Hair	McClain	Stuart
Barron	Henderson	McKnight	Thomas
Beard	Hill	Neal	Tobiasen
Carlucci	Jenkins	Peterson	Trask
Childers, D.	Jenne	Poole	Vogt
Dunn	Jennings	Renick	Ware
Frank	Johnston	Scott	
Gersten	Lewis	Skinner	
Gordon	Margolis	Steinberg	

Nays—None

Vote after roll call:

Yea—Rehm

On motions by Senator Steinberg, by two-thirds vote SB 21-H was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Tobiasen, by two-thirds vote SB 3-H was withdrawn from the Committee on Judiciary-Criminal and taken up instantner.

On motion by Senator Tobiasen, by two-thirds vote—

SB 3-H—A bill to be entitled An act relating to ammunition; creating s. 775.0875, Florida Statutes; defining "armor-piercing bullet"; providing penalties for use or possession of armor-piercing bullets during the commission of specified offenses; requiring that sentences run consecutively; preempting local regulation of possession or use of ammunition; providing an effective date.

—was read the second time by title.

Senator Gordon moved the following amendment which failed:

Amendment 1—On page 2, line 5, after the words "armor-piercing" insert: or any

On motion by Senator Tobiasen, by two-thirds vote SB 3-H was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—38

Mr. President	Barron	Carlucci	Dunn
Anderson	Beard	Childers, D.	Frank

Gersten	Jennings	Neal	Stevens
Gordon	Johnston	Peterson	Stuart
Grizzle	Langley	Poole	Thomas
Hair	Lewis	Rehm	Tobiasen
Henderson	Margolis	Renick	Trask
Hill	Maxwell	Scott	Vogt
Jenkins	McClain	Skinner	
Jenne	McKnight	Steinberg	

Nays—None

Vote after roll call:

Yea—Ware

On motions by Senator Tobiasen, by two-thirds vote SB 4-H was withdrawn from the Committee on Governmental Operations and taken up instantner.

On motions by Senator Tobiasen, by two-thirds vote—

SB 4-H—A bill to be entitled An act relating to receipt and processing of complaints filed against law enforcement or correctional officers; amending s. 112.533, Florida Statutes, as amended; providing that certain complaints against law enforcement and correctional officers and information relating to such complaints shall be exempt from s. 119.07, Florida Statutes; providing that this section shall not apply to public records exempt from public disclosure; defining active investigation; providing an effective date.

—was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Lewis	Skinner
Anderson	Grizzle	Margolis	Steinberg
Barron	Hair	Maxwell	Stevens
Beard	Henderson	McClain	Stuart
Carlucci	Hill	McKnight	Thomas
Childers, D.	Jenne	Neal	Tobiasen
Dunn	Jennings	Peterson	Vogt
Frank	Johnston	Rehm	Ware
Gersten	Langley	Renick	

Nays—None

On motion by Senator Steinberg, by the required constitutional two-thirds vote of the Senate the following concurrent resolution was admitted for introduction:

By Senators Steinberg, McKnight, Gersten, Anderson, Gordon, Margolis, Renick and Hill—

SCR 27-H—A concurrent resolution commending the national champion University of Miami baseball team.

—which was read the first time in full and referred to the Committee on Rules and Calendar.

On motions by Senator Steinberg, by two-thirds vote SCR 27-H was withdrawn from the Committee on Rules and Calendar and taken up instantner.

On motion by Senator Steinberg, by two-thirds vote SCR 27-H was read the second time by title, adopted and certified to the House. The vote on adoption was:

Yeas—36

Mr. President	Gordon	Margolis	Skinner
Anderson	Grizzle	Maxwell	Steinberg
Barron	Henderson	McKnight	Stevens
Beard	Hill	Neal	Stuart
Carlucci	Jenne	Peterson	Thomas
Childers, D.	Jennings	Poole	Tobiasen
Dunn	Johnston	Rehm	Trask
Frank	Langley	Renick	Vogt
Gersten	Lewis	Scott	Ware

Nays—None

Vote after roll call:

Yea—Hair, McClain

The Senate resumed consideration of—

SB 15-H—A bill to be entitled An act for the relief of Monroe County; providing an appropriation to said county to allow repayment of debt incurred as the result of an increase in the sheriff's budget directed by the Administration Commission; providing an effective date.

Senator Anderson moved the following amendment which was adopted:

Amendment 1—Strike everything after the enacting clause and insert: Section 1. Paragraph (e) is added to subsection (1) of s. 200.085, Florida Statutes, as created by s. 18 of chapter 82-154, Laws of Florida, to read:

200.085 Millage limitation; units participating in the local government half-cent sales tax.—

(1)

(e) *The millage limitation contained in this subsection may be exceeded by any county which borrowed money during fiscal year 1981-82 as a result of an action taken by the Administration Commission of the State of Florida pursuant to s. 30.49 to provide additional funding for such county's sheriff's budget. The excess allowed shall not exceed a dollar amount equal to twice the amount of such borrowed money plus any interest charges; provided however, that the portion of the excess equal to the dollar amount of the borrowed money shall not be used in the determination of the 1983-84 rolled-back rate calculated pursuant to s. 200.065(1).*

Section 2. This act shall take effect upon becoming a law.

On motion by Senator Anderson, by two-thirds vote SB 15-H as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Hair	McClain	Stevens
Anderson	Henderson	McKnight	Stuart
Barron	Hill	Neal	Thomas
Beard	Jenkins	Peterson	Tobiasen
Childers, D.	Jennings	Poole	Trask
Dunn	Johnston	Rehm	Vogt
Frank	Langley	Renick	Ware
Gersten	Lewis	Scott	
Gordon	Margolis	Skinner	
Grizzle	Maxwell	Steinberg	

Nays—None

Vote after roll call:

Yea—Carlucci, Jenne

Yea to Nay—Renick

On motion by Senator Rehm, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Kirkpatrick and Rehm—

SB 28-H—A bill to be entitled An act relating to purchasing; amending s. 945.16, Florida Statutes; allowing the nonprofit prison industries corporation to sell its products to state agencies; requiring state agencies to purchase commodities and services produced by the corporation under certain circumstances; providing for the application of certain provisions to the corporation; exempting purchases made by state agencies from the corporation from the provisions of part I of chapter 287, Florida Statutes; providing an effective date.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Rehm, by two-thirds vote SB 28-H was withdrawn from the Committee on Rules and Calendar and taken up instant.

On motions by Senator Rehm, by two-thirds vote SB 28-H was read the second time by title and by two-thirds vote was

read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Jenkins	Maxwell	Steinberg
Beard	Jenne	McKnight	Stevens
Childers, D.	Jennings	Neal	Stuart
Dunn	Johnston	Peterson	Tobiasen
Gersten	Langley	Poole	Trask
Grizzle	Lewis	Rehm	Vogt
Henderson	Margolis	Renick	Ware

Nays—None

Vote after roll call:

Yea—Frank, Hair, Hill, McClain

On motions by Senator Carlucci, by two-thirds vote SB 7-H was withdrawn from the Committee on Natural Resources and Conservation and taken up instant.

On motions by Senator Carlucci, by two-thirds vote—

SB 7-H—A bill to be entitled An act relating to the acquisition of federal lands for adult correctional institutions; providing for use of federal land purchasing procedures; providing for audit of purchases by the Auditor General; providing an effective date.

—was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Hair	Margolis	Skinner
Anderson	Henderson	Maxwell	Steinberg
Beard	Hill	McClain	Stevens
Carlucci	Jenkins	McKnight	Stuart
Childers, D.	Jenne	Neal	Tobiasen
Dunn	Jennings	Peterson	Trask
Frank	Johnston	Poole	Vogt
Gordon	Langley	Rehm	Ware
Grizzle	Lewis	Renick	

Nays—None

The Senate resumed consideration of—

SB 19-H—A bill to be entitled An act relating to health care; reviving and readopting, notwithstanding the Regulatory Sunset Act, the Florida Emergency and Nonemergency Medical Services Act; amending s. 401.21, Florida Statutes; providing a short title; creating s. 401.211, Florida Statutes; providing legislative intent; amending s. 401.23, Florida Statutes; providing definitions; creating s. 401.235, Florida Statutes; authorizing the appointment of an advisory council; providing for membership, expenses, and terms; amending s. 401.24, Florida Statutes; providing for a comprehensive state plan; amending s. 401.25, Florida Statutes; providing for basic and advanced life support service licenses; authorizing self-insurance; deleting provisions relating to temporary licenses; requiring a medical director; creating s. 401.252, Florida Statutes; providing for inter-hospital transfer; creating s. 401.255, Florida Statutes; providing for nonemergency medical transportation services; amending s. 401.26, Florida Statutes; providing for vehicle permits; deleting provisions relating to temporary permits; amending s. 401.27, Florida Statutes; providing for certification of emergency medical technicians and paramedics; prohibiting an uncertified person from holding himself out as an emergency medical technician or paramedic; providing penalties; creating s. 401.281, Florida Statutes; providing standards for ambulance drivers; amending s. 401.30, Florida Statutes; providing for maintenance of records; amending s. 401.31, Florida Statutes; providing for inspections; amending s. 401.33, Florida Statutes; providing exemptions; amending s. 401.34, Florida Statutes; providing for establishment, collection, and disposition of fees; providing exemptions; amending s. 401.35, Florida Statutes; providing for adoption of rules; amending s. 401.38, Florida Statutes; providing for participation in federal programs; amending s. 401.41, Florida Statutes; specifying offenses and penalties; providing enhanced penalties for assault or battery on an ambulance driver, emergency medical technician, or paramedic; creating s. 401.411, Florida Statutes; pro-

viding for disciplinary actions; creating s. 401.413, Florida Statutes; providing for administrative fines; amending s. 401.43, Florida Statutes; providing penalties for fraudulently obtaining service; amending s. 401.44, Florida Statutes; providing penalties for turning in a false alarm; amending s. 401.45, Florida Statutes; prohibiting denial of emergency services in specified situations; allowing to stand repealed under the Regulatory Sunset Act ss. 401.46, 401.47, Florida Statutes, relating to advanced life support services and paramedics; requiring a report to the Governor and Legislature; providing for legislative review; amending section 39 of chapter 82-225, Laws of Florida; providing for legislative review of ss. 500.417, 500.419, 500.431 and 500.432, Florida Statutes; providing an effective date.

Senator Vogt moved the following amendment which was adopted:

Amendment 1—On page 28, line 8, after "facility," insert:
if the hospital does not charge a fee for this service,

Senator Neal moved the following amendments which were adopted:

Amendment 2—On page 15, line 14, through page 17 line 31 strike all of Section 8 and renumber subsequent sections

Amendment 3—In title on page 1, lines 22-24, strike all of said lines and insert: transfer; amending s. 401.26,

Senator McKnight moved the following amendments which were adopted:

Amendment 4—On page 40, between lines 6 and 7 insert: Section 28. Subsection (3) of Section 395.010, Florida Statutes, as created by Chapter 82-182, Laws of Florida, is hereby repealed.

Amendment 5—In title on page 3, line 6, after the semicolon insert: repealing s. 395.010(3), Florida Statutes; relating to access to proceeding and records of hospitals and ambulatory surgical centers;

Further consideration of SB 19-H was deferred.

On motion by Senator Dunn, the Senate recessed at 12:32 p.m., awaiting the call of the President.

The Senate was called to order by the President at 1:07 p.m. A quorum present.

The Senate resumed consideration of—

SB 19-H—A bill to be entitled An act relating to health care; reviving and readopting, notwithstanding the Regulatory Sunset Act, the Florida Emergency and Nonemergency Medical Services Act; amending s. 401.21, Florida Statutes; providing a short title; creating s. 401.211, Florida Statutes; providing legislative intent; amending s. 401.23, Florida Statutes; providing definitions; creating s. 401.235, Florida Statutes; authorizing the appointment of an advisory council; providing for membership, expenses, and terms; amending s. 401.24, Florida Statutes; providing for a comprehensive state plan; amending s. 401.25, Florida Statutes; providing for basic and advanced life support service licenses; authorizing self-insurance; deleting provisions relating to temporary licenses; requiring a medical director; creating s. 401.252, Florida Statutes; providing for inter-hospital transfer; creating s. 401.255, Florida Statutes; providing for nonemergency medical transportation services; amending s. 401.26, Florida Statutes; providing for vehicle permits; deleting provisions relating to temporary permits; amending s. 401.27, Florida Statutes; providing for certification of emergency medical technicians and paramedics; prohibiting an uncertified person from holding himself out as an emergency medical technician or paramedic; providing penalties; creating s. 401.281, Florida Statutes; providing standards for ambulance drivers; amending s. 401.30, Florida Statutes; providing for maintenance of records; amending s. 401.31, Florida Statutes; providing for inspections; amending s. 401.33, Florida Statutes; providing exemptions; amending s. 401.34, Florida Statutes; providing for establishment, collection, and disposition of fees; providing exemptions; amending s. 401.35, Florida

Statutes; providing for adoption of rules; amending s. 401.38, Florida Statutes; providing for participation in federal programs; amending s. 401.41, Florida Statutes; specifying offenses and penalties; providing enhanced penalties for assault or battery on an ambulance driver, emergency medical technician, or paramedic; creating s. 401.411, Florida Statutes; providing for disciplinary actions; creating s. 401.413, Florida Statutes; providing for administrative fines; amending s. 401.43, Florida Statutes; providing penalties for fraudulently obtaining service; amending s. 401.44, Florida Statutes; providing penalties for turning in a false alarm; amending s. 401.45, Florida Statutes; prohibiting denial of emergency services in specified situations; allowing to stand repealed under the Regulatory Sunset Act ss. 401.46, 401.47, Florida Statutes, relating to advanced life support services and paramedics; requiring a report to the Governor and Legislature; providing for legislative review; amending section 39 of chapter 82-225, Laws of Florida; providing for legislative review of ss. 500.417, 500.419, 500.431 and 500.432, Florida Statutes; providing an effective date.

On motion by Senator McKnight, by two-thirds vote SB 19-H as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gordon	Margolis	Skinner
Anderson	Grizzle	Maxwell	Steinberg
Barron	Hair	McClain	Stevens
Beard	Henderson	McKnight	Stuart
Carlucci	Hill	Neal	Thomas
Childers, D.	Jenkins	Poole	Tobiasen
Dunn	Jenne	Rehm	Trask
Frank	Jennings	Renick	Ware
Gersten	Langley	Scott	

Nays—1

Johnston

Vote after roll call:

Yea—Vogt

On motion by Senator Gordon, by two-thirds vote SCR 1-H was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Gordon, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 1-H and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Gordon and others—

HCR 1-H—A concurrent resolution ratifying the proposed amendment to the Constitution of the United States relating to equal rights for men and women.

—was read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Gordon, by two-thirds vote HCR 1-H was withdrawn from the Committee on Rules and Calendar and taken up instantly.

On motions by Senator Gordon, HCR 1-H, a companion measure, was substituted for SCR 1-H and by two-thirds vote was read the second time by title and failed to pass. The vote was:

Yeas—16

Dunn	Grizzle	Johnston	Renick
Frank	Hair	Margolis	Steinberg
Gersten	Hill	Maxwell	Stuart
Gordon	Jenne	McKnight	Vogt

Nays—22

Mr. President	Jenkins	Peterson	Thomas
Anderson	Jennings	Poole	Tobiasen
Barron	Langley	Rehm	Trask
Beard	Lewis	Scott	Ware
Carlucci	McClain	Skinner	
Henderson	Neal	Stevens	

The action of the Senate was certified to the House.

SCR 1-H was laid on the table.

EXPLANATIONS OF VOTE

During my legislative career I have had the opportunity to vote on the Equal Rights Amendment each time it has come before the Florida Senate. In each instance I have voted against ratification of the amendment, always after a great deal of thought and review. Now, on the occasion of what I believe will be Florida's last chance to vote on the Equal Rights Amendment in its present form, I have cast my vote against ratification once again. The consistency of this decision should not simply be construed as an inflexible position because this year, as in each preceding year in which the Florida Senate considered the Equal Rights Amendment, I have tried to be open and receptive to any new information, interpretation or decision which might compel me to view the merits of the amendment differently. And yet, to this day, I do not believe that anyone can say with certainty just exactly what it will do and will not do. The Equal Rights Amendment may affect women's eligibility for the draft and military service, or it may not. The Equal Rights Amendment may affect women's rights to receive equal treatment in the job markets of America, and to receive equal pay for those jobs, or it may not. The Equal Rights Amendment may serve to further dilute and dissolve the traditional family unit by changing the roles and legal responsibilities of husband and wife and mother and father, or it may not. The Equal Rights Amendment may change the ways in which insurance rates and Social Security and other government benefits are collected and paid out, or it may not. For every expert who tells us that the Equal Rights Amendment will have some effect on an aspect of American life there is another who tells us that it will have a different effect and yet another who tells us that it will have no effect.

It is this uncertainty, this lack of specificity and exactitude, which lie at the heart of my doubts about the Equal Rights Amendment. As an elected Senator for nineteen years I have taken positions and worked for and against innumerable issues affecting one, some or all of us. In each case I have tried to determine the probable changes which the proposal will cause in order to insure that my action will be responsible and in the best interests of my constituents. I am sure that each other Senator conducts this same sort of review, and for much the same reasons. With this review process in mind, and with the knowledge that the implementation of the Equal Rights Amendment will undoubtedly have some effect on every American now and in the future, I cannot support taking an action with such dramatic potential for change and which addresses such enormous questions and yet has so few unchallenged answers. There is a better way to achieve the goals of the equal rights movement. It is the process which we have used constantly since the formation of our Republic to meet the needs of our people. On the State and Federal levels, when we find wrongs which are within the framework of our government to correct, we enact laws to right these wrongs. This process may be more time-consuming and considerably less dramatic, but I believe it is in this case a far more effective way to right the wrongs which affect the women of America with certainty and specificity and with a much greater confidence that the result of our actions will be what we wish them to be and not some malevolent side effect which no one could imagine in the context of the original intention. With regards to the equal rights issue, this methodical, deliberate course of action is already working, to the ultimate benefit of every one. As we have seen and will continue to see in the laws which are enacted to protect the rights of our citizens, any inequity which can be identified can be corrected. I believe that everyone involved with this subject feels that some of the ways in which we distinguish men from women will be changed, and I don't think that anyone believes that absolutely every way in which we make these legal distinctions will be, or should be, changed. Therefore, the sentiments of both Equal Rights Amendment proponents and opponents may be distilled into a

specific set of inequities which need to be addressed. Let us identify these remaining inequities and work together to overcome them. I believe that by my actions as a Senator I have demonstrated an honest dedication to equal treatment for men and women in Florida, and while I oppose the Equal Rights Amendment I am absolutely committed to the principles of equality under the law for all our citizens. Let us put this amendment, with its uncertainty and its emotionalism and its divisiveness behind us and work together to achieve truly equal rights for all.

Warren S. Henderson, 25th District

My vote against the ratification of the proposed 27th amendment to our U.S. Constitution, the Equal Rights Amendment was based on several factors. Since 1977 not a single state has passed the amendment. In my judgment, the District I represent is sharply divided on this issue. My own survey indicates that the feelings on the E.R.A. appear to be evenly split. In my travels throughout the District and meetings with my constituents, I came away with one overriding reaction—a lot of fears surrounded the Equal Rights Amendment. Whether founded or unfounded these fears cause me great concern and I felt that in good conscience I had to vote against its ratification. I will work and/or assist on the drafting of an amendment which will address the inequity problems, eliminate the fears that have been caused by the present language in the proposed amendment and will assure equality of rights under the law for all persons regardless of gender.

Tom Lewis, 27th District

The Honorable W. D. Childers, President

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed SB 18-H.

Allen Morris, Clerk

The bill contained in the above message was ordered enrolled.

On motion by Senator Dunn, the Senate recessed at 3:25 p.m.

The Senate was called to order by the President at 3:34 p.m. A quorum present.

On motion by Senator Dunn, the following remarks and letter were ordered published in the Journal:

Senator Trask: Thank you, Mr. President, and thanks to each member of this Senate. I appreciate this opportunity.

I recently spoke to you on a point of personal privilege. I stated to you at that time, it was my first time in fourteen years and now I speak for the second time and the last time.

It is with mixed emotions that I stand today. For me, this is a day of sadness, but also for me, it's a day of excitement.

It's a day of sadness because this will be the last session in which I will get to stand on the floor of this Senate as a member of this body. It's a day of excitement because it marks a new era of my life when I'll be able to go out and become a private citizen and hopefully have the privacy that private citizens have and get about my responsibilities to support my family and to handle my business affairs and to get back on top again.

I want to thank you, the members of this Senate, for the way you have treated me. Your conduct has just been great and I want to thank you for affording me due process. I think it's sad that there are those, some who undoubtedly are here today, who would have denied me due process.

Two groups demanded my resignation from this body prior to that vote that was just cast. They already had me charged and convicted and executed, but I tell you it was a constitutional responsibility of mine to vote in this session to represent the people who sent me here.

I do want to thank those folks back home who have sent me here for these fourteen years. It's the greatest honor of my life and almost the greatest experience of my life. I would have to rank it behind that experience in which I got to know my Lord

on a personal basis and that experience in which I got to know my wife on a personal basis and the fact that we got married.

I can't say enough about her. She is beside me in all these tough times, and it has been tough. And I would say this, we are closer together today than we have ever been. But it takes a very courageous, a brave and a strong woman to stand and I love her very dearly. And I love each member of this Senate. I love the relationship that we've had.

We've been on different sides of so many issues. Senator Gordon, Senator Frank and I have very often differed. All of us have differed from time to time on different issues, but that does not diminish my love for each member of this body. And I love this Senate as an institution. It's the very diversity that we have here that is our strength and I hope it will forever be protected. I have worries sometime when I see some of the abuse that comes from some of the press accounts.

I had wanted to file my response to the allegations by today. We've just simply been unable to do that. They are just not prepared. That response will be filed in a timely fashion. It will be filed within the time limit that was extended to me and we will, of course, respond to the Ethics Commission investigation on the thirtieth, as is expected, and then on the fifteenth of July, or by the fifteenth of July, I will file my disclosure as is mandated by the statutes.

Let me tell you, that disclosure will be to the best of our ability, mine and the accountants and the attorneys, as accurate as we can possibly make it.

Let me advise all of you, if you have been kind of lax on that thing, you better start paying attention to it because somebody might start taking a look at some others someday. And you know that is an area where all of us do, from time to time, make some oversights.

I'm not going to stand here today and defend any of those issues. I will urge you to read that response when it is filed with the Senate. I would ask you to do that out of respect for our relationship. It will be as accurate as we can make it and as documented as we possibly can make it.

I would hold up a couple of areas though and ask you, the members of this body, to look at some areas of discrepancy—the salary question, for instance. It was stated I didn't even disclose my salary. You know it says on the face of that disclosure form, "all sources of income except your salary." We've looked at some of the others and I think there's about 25 percent of members of the legislature who have not disclosed their salary. It's just an area that is not clear in the statutes and it should be cleared up. It should not be an area where people can be abused. Our public salary is public record. There is no attempt by anyone to hide anything. Everyone knows what that is.

The statutes of Florida today say that your home need not be disclosed. That is in conflict with the constitution. The constitution, of course, prevails. But that's an area that should not be allowed to continue, because it is confusing and, there again, if you have a mortgage on your home, it's public record. Of course, the homestead exemption is public. But those are areas you need to look at.

There are several areas of my response that I would ask you to look at in great detail because I have told you from the beginning I have made some oversights. None of them were intentional. Never in my life was there even an intentional borrowing situation where I didn't intend to repay every person and where I didn't believe at that time that I had the full ability. And you know situations change, circumstances change. In the mid-seventy's the whole financial world overturned and Senator Jennings, you talked about how we used to do business on a handshake. I saw situations where written contracts were not honored. And you know—how do you deal with situations like that?

It's tough, but let me tell you, I want you to look at the purpose of disclosure and be ever mindful of the purpose of disclosure. Some of you were here when we debated that thing for years before it ever finally became law. The purpose is to see if a man's net worth has grown so fast from unexplained sources that you should look and see from where that growth has come. That's the first reason. The second reason was to see if the debts are to people who are benefitting from his vote in the legislature or coming from sources that are—like the mafia—that are undesirable.

Those are the two purposes of disclosure—not to absolutely beat somebody to death with some harmless errors that had been made in disclosure. You know, the courts make errors. The attorneys in here will tell you that time and time again, when a case is taken to an appeals court, the higher court will say, "we find that the court erred in this matter." But it was a harmless error.

I've also had the disclosures looked at and I find numerous cases where the members of this legislature have filed amendments and numerous judges have filed amendments, so I tell you, you might want to take a look at some of the disclosure area.

In the future, I will not be here and not be a part of that, but it's an area that's very sensitive and it's an area in which some innocent can very seriously be accused and destroyed.

Looking back though, let me tell you, I don't have a single regret. I feel very great concern for my creditors and that's why I have been so committed to wanting to pay them back and I hope that's possible in my lifetime.

I don't know what my course will be from this point. With all the hullabaloo and all the criticism and everything, I don't know whether I can get started. I may have to seek now the protection of the bankruptcy courts. I don't know. I'll have to just meet that one day at a time as I come to it.

The opportunity in this country to make it big carries with it the possibility of losing. I wouldn't trade that opportunity, though, for anything in the world. I've never been a person who has been satisfied to just sit. I guess you would call me an entrepreneur. I'm always interested in a new challenge.

I think a new challenge is what brought me to this Senate years ago and I still have that spirit within me and I tell you I wouldn't trade it for anything in the world. I am an idea person. I'm not a detail person. That's obvious—I guess I don't need to tell you that.

While I leave this place financially broken, I leave here very rich in memories. So many of us have had so many experiences together and I tell you that will go with me all the years of my life and I will treasure each of those memories very greatly.

I have dedicated now twenty years of my life to serving the public. I discovered many years ago that the greatest satisfaction that I have is in serving others. And you know after I had my great losses in the middle 70's, I discovered so many things that used to mean a lot to me really didn't matter that much. I was discussing this with a friend of mine recently, a friend of ours, Jan, the young lady who was down in our area recently, and she said "you know I think that's because things can't love you back."

You know that's probably the most gratifying thing about serving the public. You establish so many great relationships with people and I tell you I want to thank those people who have been responding. My mail is heavier in the last few weeks than it has been in my entire time in the public arena. Not just from ERA, but I mean from other sources. People are writing me, they're calling me. They're saying, "we appreciate you, we love you, we're standing with you, we're praying for you," and I want to thank those people for responding at a time like this. It has been very, very helpful and supportive.

I told you it was a sad day and I told you it was an exciting day and I am excited and I hope that you can see that. I look forward to each new day with a great anticipation of what the future holds.

I want to share with you as we close today with some words from the apostle Paul. You know what my Bible means to me and I've been criticized sometime for reading from it, but just this one last quote from 2 Corinthians 4:7:

"But we have this treasure in earthen vessels that the excellency of the power may be of God and not of us. We're troubled on every side, yet not distressed. We're perplexed but not in despair, persecuted but not forsaken, cast down but not destroyed." You see I am more than a conqueror because I can do all things through Christ which strengthens me.

My fellow Senators, my service to my fellowman as a Senator will soon cease, but my service to my fellowman will never cease. My voice in this arena will soon be silent, but my voice will never be silent. Mr. President, I would ask now that the

letter which I have prepared and handed to you and to the Secretary be read and be read into the Journal of the Senate in this Session.

Honorable W. D. Childers, President
The Florida Senate

June 21, 1982

Dear Mr. President:

I respectfully submit my resignation as a member of the Florida Senate effective midnight June 30, 1982.

Sincerely,

Alan Trask

Senator Henderson: Mr. President, I had the honor of being a member of the Senate in 1968 when Alan Trask came to us from the little town of Fort Meade, Florida. He and I had a similar background coming from a small town, but his was a background from the agricultural community.

I wish that I could have, in my area of the State of Florida, made the impression and the mark that Alan has made on his community. None of us will ever have the opportunity of being the agricultural legislator of the decade, the outstanding man that he has been with the Jaycees and with so many other organizations, —Florida Citrus Mutual— and the others. I have been here every day that Alan Trask has been a member of this Senate and I have never, never, seen a day that he did not conduct himself with the honor and dignity that a member of the Senate should.

It's been a great, great pleasure to have served with Alan Trask and I never thought I would see the day that I would be serving when he was not here. But he has chosen another path, and his guidance and his deliberative voice will be missed sorely in this Senate, and Alan, we will miss you and we love you.

Senator Jenkins: Mr. President, very briefly, I would just like to say that I too consider it a great privilege to have served with Senator Trask, even though not as long as Senator Henderson. It's only been two sessions, but it's been enough for him to make an impression to me.

I also appreciate the vast knowledge he has of the political process, even though I guess he ought to assimilate some of that after 14 years.

He served Florida well and I think many times that's been overlooked in the criticism in the press. Here's a man who has worked sacrificially for the last 14 years for the State of Florida. Those of us who are officials know what sacrifice means—giving of ourselves day and night, in spite of the adverse statewide publicity that we receive through the media.

I still advocate that Senator Trask has consistently voted for and stood for those things that the majority of the people of this State of Florida stand for and it's my hope and prayer that another Senator with Senator Trask's conservative philosophy and ideology will perhaps rise up in the November election and fill his shoes.

I bid you Godspeed and farewell, and we are all pulling for you, Senator Trask.

Senator Peterson: Mr. President, Senators, to share a Senate district with another Senator is a very close relationship. And we shared the floor together in the old Capitol and in the new Capitol. When I was first elected to District 28, Senator Trask was already here to help and guide and to advise me as a young Senator of the things I needed to know, and I appreciate that very much. After reapportionment, he and I became Senators for a much larger area—six counties—It was difficult, if not impossible, for a single Senator to serve, so I speak on behalf of the people of those six counties, that he and I have served for 10 years. They are good people.

The rewards for politics are that you do find good people in the world and you know that's what holds the world together. On behalf of those good people of districts 12 and 13, I want to thank Senator Trask for all that he has done for the State of Florida.

Senator Stevens: Mr. President and members of the Senate, I probably have known Senator Trask as long as anyone in here.

My first meeting with Senator Trask was when he served as a county commissioner from Imperial Polk. Commissioner Trask was the leader of the county board and the Association of County Commissioners. Senator Trask led that organization when I first met the Senator. He was a dedicated man then to county government, which is a government that is closest to the people. He was dedicated then and as I watched him go through the Senate while I still served on the county board, he rose to greater heights.

Alan, I want you to know, from the bottom of my heart, I surely appreciate that effort that you've given the people of the State of Florida, and, God bless you.

Senator Barron: Senator Trask, your resignation came as a surprise to me today but I couldn't let this moment pass without remembering some of the good times that we have had together along with Senator Henderson and Jan, and some of the legislative battles we've fought on both sides of the issue. But I remember most, your eternal fairness as a member of the Florida Senate.

I have never seen you lose your cool, or chastise, or be unfair to any member of the Senate.

And though we all recognize the freedom of the press, I must say to you publicly, that I thought that story in the Democrat was about the biggest bunch of junk that I have ever read—recounting things that we all already knew. Then the next headline said, "charges confirmed." They meant their charges, I would assume. I thought that was most unfair.

I've read things that some of the press said about other members of the Senate, which of course is what we have to expect when we submit ourselves to public service. I had to call another member of the Senate and apologize for the media, over which I had no control, just a short time ago.

But I hope that you will try to forget those things in the future. If it were against the law to suffer financial adversity in the 70's, or even now, we would all be in jail.

I think in our country today we have 300 percent more bankruptcies today than we had just a few years ago. I'm saddened by the fact that in addition to the other problems you might have, you have to fight the financial problem; but I can understand that you have to put your own house in order and I wish you Godspeed, and I'm sure other members of the Senate do. I want to commend you for giving a large part of your adult life to public service and I shall always remember our relationship.

Senator McClain: Mr. President, Senators, I just want to say very briefly to you Alan, I've enjoyed serving with you.

Talking about financial problems, the United States Government, through our elected representatives, is a trillion dollars in debt, so you have lots of company. I'm sure they would tell you that they try to do everything properly and correctly.

I just want to say to you personally, I've enjoyed serving with you. I've found you to be a gentleman, patient, willing to listen, and I feel like as you look back on this experience the pluses will far outweigh the minuses. I think it was a good point you made—that you are opening a new chapter and new era in your life—and I know that it is going to be a successful one. I want to wish you Godspeed.

Senator Thomas: I just want to commend Senator Trask on reaching a point in his life that very few people in the political arena ever reach—voluntary retirement.

You are a step ahead of maybe a lot of us.

Alan, when I came here you were one of those people who were kind to me and to all of us in the Senate.

I think a lot of us come and go and will never be missed but let me just tell you that you will be missed. You have been very helpful. You have been very cooperative. You have been a very sound and reasonable man of good judgement. You have been a very able advocate for agriculture and for the real world, and you and Jan will be missed by all of us. Godspeed, good luck and our heartfelt thanks for what you have done for us.

Senator Scott: Mr. President, Senators, I've been in the Senate for six years and all six of those years, I've served on Subcommittee A with Senator Trask. On behalf of the people that I represent—Broward County, Palm Beach, Collier County—thank you.

There are a number of roads and all of the beaches, which now have been redone and restored in Broward County, or will be, and this has been due to the consideration that I have received from Senator Trask and others—Senators Childers, Thomas, Barron, other people from areas that have quite different problems perhaps than we have in Broward County.

I've enjoyed serving with Senator Trask. I've learned a lot from him, particularly in the early years when I came here. I don't know what it is going to be like, serving without you, Senator, but I do wish you good luck in your future endeavors.

On motion by Senator Dunn, the Senate recessed at 4:02 p.m.

The Senate was called to order by the President at 4:10 p.m. A quorum present.

On motion by Senator McKnight, the rules were waived and Appropriations Subcommittee C was permitted to meet at 5:00 p.m. this day.

On motions by Senator Carlucci, by two-thirds vote SB 5-H was withdrawn from the Committee on Corrections, Probation and Parole and by two-thirds vote referred to the Committee on Appropriations and Subcommittee C.

On motion by Senator Dunn, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senators Peterson, Gersten, Gordon, Hill, Renick, Margolis and Steinberg—

SB 29-H—A bill to be entitled An act relating to nursing; adding s. 464.009(4), Florida Statutes; authorizing licensure by endorsement for registered nurses from a foreign country under specified circumstances; providing an effective date.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Hair, Jenne, Margolis, Kirkpatrick, Rehm and Steinberg—

SB 30-H—A bill to be entitled An act relating to medical malpractice; amending s. 627.351(4), Florida Statutes, as amended; requiring the medical malpractice joint underwriting association to offer coverage for Patient's Compensation Fund

deficit assessments; amending s. 768.54, Florida Statutes, as amended; providing that liability of the fund is not unlimited; providing for election of limits of liability; providing for annual, semi-annual, and quarterly membership fees; correcting cross-references; creating an advisory council; providing an appropriation; prohibiting the Patient's Compensation Fund from accepting new business or renewing memberships after a specified date; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Senator Gordon—

SB 31-H—A bill to be entitled An act relating to tax on sales, use and other transactions; amending s. 212.057(1), (2), (3), (4), and (7), Florida Statutes, and adding subsections (8) and (9) thereto, relating to a discretionary additional tax for sports, arts and recreation centers; specifying applicability to purchases made in jurisdictions not levying such a tax under certain circumstances; providing method of taxing certain services billed on a monthly cycle; providing for refund of additional tax paid by certain contractors; providing penalties; specifying that use of the proceeds of the tax includes interest accrued thereto; specifying additional centers for which proceeds may be used; revising provisions relating to the referendum at which the tax must be approved; requiring a ballot statement as part of the tax ordinance and modifying the ballot question; revising the date by which a county may declare its intent not to levy the tax; authorizing levy of the tax by the most populous municipality if levy by the county is not approved; providing for payment of costs of administration; providing for reports on expenses by the Department of Revenue; providing for disposition of tax collected after a specified date; requiring governing authorities levying the tax to notify the department; providing applicable brackets for imposition of the tax; providing severability; providing an effective date.

—was read the first time by title and referred to the Committee on Finance, Taxation and Claims.

On motion by Senator Maxwell, by the required constitutional two-thirds vote of the Senate the following bill was admitted for introduction:

By Senator Maxwell—

SB 32-H—A bill to be entitled An act relating to the Ringling Museum of Art; authorizing the expenditure of funds; providing an effective date.

—which was read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Dunn, the Senate adjourned at 4:15 p.m. to convene at 9:00 a.m., Tuesday, June 22.